



Fair Political Practices Commission

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## NEWS RELEASE

For Immediate Release:  
January 20, 2006

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### FPPC enforcement decisions: January 20, 2006

The following are enforcement decisions approved by the Fair Political Practices Commission at its regular monthly meeting held in Sacramento on Friday, January 20, 2006. Decisions are divided by category and include a brief summary of each case and the total amount of the fine or fines in each case.

Additional information on each of the enforcement cases below can be found in the January agenda on the FPPC website at <http://www.fppc.ca.gov>. FPPC agendas are distributed and posted on the agency website 10 days prior to each monthly meeting.

The web version of the agenda includes links to the stipulations agreed to by the commission and by the individuals and organizations subject to the fines, or the default decisions ordered by the commission. Exhibits in support of the stipulations and default decisions are also available on the website. If you are unable to access the FPPC website, or need further assistance, please call the FPPC communications office at (916) 322-7761.

#### **Mass Mailing Violations**

**In the Matter of TME - AFSCME Local 1117 Political Action Committee, FPPC No. 02/158.** Staff: Senior Commission Counsel Melodee A. Mathay. Respondent TME - AFSME Local 1117 Political Action Committee, a state general purpose recipient committee sponsored by TME-AFSCME Local 1117, is located in the City of Torrance. On February 27, 2002, Respondent sent two campaign mailers to Torrance voters prior to the March 5, 2002, Torrance municipal election that did not contain proper sender identification, in violation of Government Code section 84305, subdivision (a) (2 counts). \$4,500 fine.

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### **Campaign Reporting Violations**

**In the Matter of Robert Egan, FPPC No. 02/012.** Staff: Commission Counsel Galena West and Supervising Investigator Dennis Pellón. Respondent Robert Egan is the Chairman of the Board of Commissioners for the Saratoga Fire Protection District and a real estate broker in the City of Saratoga. In 2000, during the first semi-annual reporting period of January 1, 2000, through June 30, 2000, Respondent made \$27,801.00 in political contributions, in the form of loans, to support the passage of a local ballot measure, and thereby qualified as a “major donor committee.” Respondent violated the Political Reform Act by failing to timely file a semi-annual campaign statement, in violation of section 84200, subdivision (b) of the Government Code (1 count). \$1,200 fine.

**In the Matter of J. Taylor Crandall, FPPC No. 05/456.** Staff: Chief of Enforcement John Appelbaum and Political Reform Consultant Jeanette Turvill. Respondent J. Taylor Crandall qualified as a major donor committee in the first six months of 2004. Respondent failed to file a major donor campaign disclosure statement, in violation of Government Code section 84200, subdivision (b); failed to file a late contribution report in violation of Government Code section 84203, subdivision (a); and failed to properly disclose the making of contributions in a subsequently filed major donor statement, in violation of Government Code sections 84211, subdivision (k) and 84203, subdivision (b) (3 counts). \$15,000 fine.

**In the Matter of the Italian Center, Inc., FPPC No. 03/516.** Staff: Senior Commission Counsel Melodee A. Mathay. Respondent Italian Center, Inc. is a California corporation located in San Gabriel that failed to file a major donor semi-annual campaign statement by January 31, 2003, for the reporting period July 1, 2002 through December 31, 2002, in violation of Government Code section 84200, subdivision (b) (1 count). \$2,000 fine.

**In the Matter of Scott Cook, FPPC No. 05/298.** Staff: Commission Counsel Margaret Figeroid. Scott Cook of Mountain View failed to timely file five major donor campaign statements during reporting periods from January 1, 2001, through June 30, 2004, in violation of Government Code Section 84200, subdivision (b) (5 counts). \$20,000 fine.

**In the Matter of California Campaign for New Drug Policies, Yes on Prop. 36 and Dave Fratello, FPPC No. 02/1059.** Staff: Commission Counsel Amanda Saxton and Investigator III Leon Nurse-Williams. Respondent California Campaign for New Drug Policies, Yes on Prop. 36 was a recipient ballot measure committee primarily formed to support the qualification of Proposition 36 for the ballot and its passage in the 2000 general election. Respondent Dave Fratello served as the treasurer of Respondent California Campaign for New Drug Policies, Yes on Prop. 36. Respondents failed to report required information regarding expenditures totaling \$1,412,285 made to sub-vendors in violation of Government Code section 84303 (5 counts); failed to accurately report the total amount of expenditures made during a campaign period as well as the

cumulative amount of expenditures made as of the closing date for that reporting period in violation of Government Code section 84211, subdivision (b) (1 count); and failed to report specific information relating to persons to whom an expenditure of \$100 or more was made in violation of Government Code section 84211, subdivision (j) (1 count). \$12,000 fine.

### **Disqualification Violation**

**In the Matter of Dennis Hansberger, FPPC No. 03/663.** Staff: Commission Counsel Margaret Figeroid. County of San Bernardino Supervisor Dennis Hansberger, while serving as an appointed member of the Inland Valley Development Agency and the San Bernardino International Airport Authority, violated section 84308, subdivision (b) by accepting a contribution of more than \$250 from a party to proceedings involving the award of contracts within three months following the date final decisions were rendered in those proceedings (2 counts). \$6,000 fine.

### **Gift Limit Violation**

**In the Matter of Michael Peevey, FPPC No. 03/104.** Staff: Commission Counsel Amanda Saxton and Investigator III Leon Nurse-Williams. As the President of the California Public Utilities Commission, Respondent accepted gifts in excess of the annual gift limit, in violation of Government Code section 89503, subdivision (a) (1 count). \$500 fine.

### **Statement of Economic Interests Violations - SEI Streamlined Program**

**In the Matter of Charles Drake, FPPC No. 05/407.** Staff: Enforcement Political Reform Consultant Jeanette Turvill. Charles Drake, a member of the City of Marina Planning Commission, failed to timely file a 2004 annual statement of economic interests, in violation of Government Code section 87203 (1 count). \$100 fine.

**In the Matter of Dale White, FPPC No. 05/423.** Staff: Enforcement Political Reform Consultant Wayne Imberi. Dale White, a member of the Grass Valley Planning Commission, failed to timely file a 2004 annual statement of economic interests in violation of Government Code section 87203 (1 count). \$100 fine.

**In the Matter of Vance McAlister, FPPC No. 05/415.** Staff: Enforcement Political Reform Consultant Wayne Imberi. Vance McAlister, a member of the Imperial Planning Commission, failed to timely file a 2004 annual statement of economic interests in violation of Government Code section 87203 (1 count). \$100 fine.

### **Major Donor – Streamlined Program**

**Failure to Timely File Major Donor Campaign Statements.** Chief Investigator Sue Straine and Political Reform Consultant Mary Ann Kvasager. The following entities have entered into a stipulation for failing to file a major donor campaign statement that

was due during calendar years of 2001, 2002, 2003, and 2004, in violation of Government Code Section 84200:

- **In the Matter of Professional Exchange Service Corporation, FPPC No. 05/458.** Professional Exchange Service Corporation of Fresno failed to timely file a semi-annual campaign statement disclosing contributions totaling \$144,804.62 in 2004 (1 count). \$1,848 fine.
- **In the Matter of Pacific Cement, FPPC No. 05/600.** Pacific Cement of San Francisco failed to timely file semi-annual campaign statements disclosing contributions totaling \$19,250.00 in 2002 (2 counts) and \$36,200.00 in 2003 (2 counts). \$1,600 fine.
- **In the Matter of Pac Pizza, FPPC No. 05/708.** Pac Pizza of San Ramon failed to timely file a semi-annual campaign statement disclosing contributions totaling \$15,000.00 in 2004 (1 count). \$400 fine.
- **In the Matter of Tracy Snyder, FPPC No. 05/709.** Tracy Snyder of New York, New York, failed to timely file a semi-annual campaign statement disclosing contributions totaling \$10,000.00 in 2004 (1 count). \$400 fine.
- **In the Matter of Jay Snyder, FPPC No. 05/710.** Jay Snyder of New York, New York, failed to timely file a semi-annual campaign statement disclosing contributions totaling \$15,000.00 in 2004 (1 count). \$400 fine.
- **In the Matter of Caremark RX, FPPC No. 05/805.** Caremark RX of Nashville, Tennessee, failed to timely file a semi-annual campaign statement disclosing contributions totaling \$25,000.00 in 2004 (1 count). \$400 fine.
- **In the Matter of Chris T. Sullivan, FPPC No. 05/810.** Chris T. Sullivan of Tampa, Florida, failed to timely file a semi-annual campaign statement disclosing contributions totaling \$10,000.00 in 2004 (1 count). \$400 fine.
- **In the Matter of Cuneo Gilbert & Laduca, LLP, FPPC No. 05/811.** Cuneo Gilbert & Laduca, LLP of Washington, DC, failed to timely file a semi-annual campaign statement disclosing contributions totaling \$25,000.00 in 2004 (1 count). \$400 fine.
- **In the Matter of Lucent Technologies, Inc., FPPC No. 05/813.** Lucent Technologies, Inc. of Vienna, Virginia, failed to timely file a semi-annual campaign statement disclosing contributions totaling \$25,000.00 in 2004 (1 count). \$400 fine.
- **In the Matter of Triumph Mortgage, Inc., FPPC No. 05/815.** Triumph Mortgage Inc. of Irvine failed to timely file a semi-annual campaign statement

disclosing contributions totaling \$10,000.00 in 2004 (1 count). \$400 fine.

- **In the Matter of Panda Restaurant Group and Its Owners, Andrew and Peggy Cherng, FPPC No. 05/839.** Panda Restaurant Group and Its Owners, Andrew and Peggy Cherng of Rosemead failed to timely file semi-annual campaign statements disclosing contributions totaling \$16,000.00 in 2001 (2 counts) and \$67,240.00 in 2002 (1 count). \$1,987.40 fine.
- **In the Matter of Frank J. Biondi, Jr., FPPC No. 05/853.** Frank J. Biondi, Jr. of Los Angeles failed to timely file a semi-annual campaign statement disclosing contributions totaling \$11,000.00 in 2001 (1 count). \$400 fine.
- **In the Matter of Harvey Wm. Glasser, FPPC No. 05/854.** Harvey Wm. Glasser of San Francisco failed to timely file a semi-annual campaign statement disclosing contributions totaling \$10,000.00 in 2002 (1 count). \$400 fine.
- **In the Matter of Pro Staff, FPPC No. 05/855.** Pro Staff of Minneapolis, Minnesota, failed to timely file a semi-annual campaign statement disclosing contributions totaling \$10,000.00 in 2002 (1 count). \$400 fine.
- **In the Matter of American Xtal Technology, Inc., FPPC No. 05/856.** American Xtal Technology, Inc. of Fremont failed to timely file a semi-annual campaign statement disclosing contributions totaling \$10,000.00 in 2001 (1 count). \$400 fine.
- **In the Matter of Allan K. Jonas, FPPC No. 05/857.** Allan K. Jonas of Los Angeles failed to file semi-annual campaign statements disclosing contributions totaling \$30,450.00 in 2002 (2 counts); \$32,000.00 in 2003 (2 counts); and \$27,250.00 in 2004 (2 counts). \$3,059.50 fine.
- **In the Matter of Johnson Canyon Holdings, LLC, FPPC No. 05/858.** Johnson Canyon Holdings, LLC of Beverly Hills failed to timely file a semi-annual campaign statement disclosing \$ 12,500.00 in 2002 (1 count). \$400 fine.
- **In the Matter of William Cramer, FPPC No. 05/867.** William Cramer of Anaheim failed to timely file a semi-annual campaign statement disclosing \$10,000.00 in 2001 (1 count). \$400 fine.
- **In the Matter of Ultramar Diamond Shamrock Corporation, FPPC No. 05/876.** Ultramar Diamond Shamrock Corporation of Mill Valley failed to timely file semi-annual campaign statements disclosing \$42,975.00 in 2001 (2 counts). \$800 fine.
- **In the Matter of American Health Care Association, FPPC No. 06/006.** American Health Care Association of Washington, DC, failed to timely file a

semi-annual campaign statement disclosing \$15,000.00 in 2002 (1 count). \$400 fine.

- **In the Matter of Richard Wollack, FPPC No. 06/007.** Richard Wollack of Napa failed to timely file a semi-annual campaign statement disclosing \$11,252.91 in 2002 (1 count). \$400 fine.

### **Late Contribution – Streamlined Program**

**Failure to Timely File Late Contribution Reports – Proactive Program.** Chief Investigator Sue Straine and Political Reform Consultant Mary Ann Kvasager. The following persons and entities have entered into stipulations for failure to file late contribution reports in 2004, in violation of Government Code Section 84203:

- **In the Matter of Edison International and Affiliated Entities, FPPC No. 05/561.** Edison International and Affiliated Entities of Rosemead failed to timely disclose a late contribution totaling \$100,000.00 (1 count). \$3,500 fine.
- **In the Matter of Lee Andrews Group, Inc., FPPC No. 05/562.** Lee Andrews Group, Inc. of Los Angeles failed to timely disclose a late contribution totaling \$10,000.00 (1 count). \$1,500 fine.
- **In the Matter of Amir Salimzadeh (a.k.a. Joseph Salim), FPPC No. 05/711.** Amir Salimzadeh (a.k.a. Joseph Salim) of New York, New York, failed to timely disclose a late contribution totaling \$10,000.00 (1 count). \$1,500 fine.
- **In the Matter of Caremark RX, FPPC No. 05/794.** Caremark RX of Nashville, Tennessee, failed to timely disclose a late contribution totaling \$25,000.00 (1 count). \$3,500 fine.
- **In the Matter of Cuneo Gilbert & Laduca, LLP, FPPC No. 05/812.** Cuneo Gilbert & Laduca, LLP of Washington, DC, failed to timely disclose a late contribution totaling \$25,000.00 (1 count). \$3,500 fine.
- **In the Matter of Lucent Technologies, Inc., FPPC No. 05/814.** Lucent Technologies, Inc. of Vienna, Virginia, failed to timely disclose a late contribution totaling \$25,000.00 (1 count). \$3,500 fine.
- **In the Matter of Triumph Mortgage, Inc., FPPC No. 05/816.** Triumph Mortgage, Inc. of Irvine failed to timely disclose a late contribution totaling \$10,000.00 (1 count). \$1,500 fine.

### **Consideration of Administrative Law Judge Proposed Decision**

**In the Matter of Allen K. Settle, FPPC No. 99/804.** Staff: Senior Commission Counsel

Melodee A. Mathay and Investigator III Sandra Buckner. Respondent Allen K. Settle is currently a member of the San Luis Obispo City Council, having served as the city's mayor from 1994 through 2002. In this matter, Respondent Settle violated the conflict of interest provisions of the Political Reform Act in April 1999 and September 1999, by making and participating in making three governmental decisions which had a reasonably foreseeable material financial effect on his interest in real property. By failing to disqualify himself from these governmental decisions, Respondent Settle committed three violations of Government Code section 87100 (3 counts). Following a two-day administrative hearing in San Luis Obispo, Presiding Administrative Law Judge Humberto Flores issued a proposed decision finding that three violations occurred, and imposing a maximum administrative penalty of \$6,000. The Enforcement Division requested that the Commission accept the proposed decision in its entirety. Respondent filed a written opposition in response to that request, and the Enforcement Division filed a reply brief. The Commission adopted the proposed decision of the administrative law judge.

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